

1 **STATE OF GEORGIA**
2 **COUNTY OF FULTON**
3 **CITY OF SOUTH FULTON**

Ordinance No. 2019-035

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6 **AN ORDINANCE REVISING PROVISIONS OF THE CITY'S ZONING CODE TO**
7 **PROVIDE REGULATION FOR FOOD TRUCKS AND FOOD TRUCK**
8 **FESTIVALS AND FOR OTHER LAWFUL PURPOSES**

9 **(Sponsored by Councilpersons Rowell and Gumbs)**

10
11 **WHEREAS**, the City of South Fulton ("City") is a municipal corporation duly
12 organized and existing under the laws of the State of Georgia;

13
14 **WHEREAS**, the duly elected governing authority of the City is the Mayor and
15 Council thereof ("City Council");

16
17 **WHEREAS**, the City has been vested with the power and authority to
18 regulate the practice, conduct or use of property for the purposes of maintaining
19 health, morals, safety, security, peace and the general welfare of the City;

20 **WHEREAS**, the City Council wish to revise provisions applicable to
21 regulation of mobile food vendors to provide clarity in definitions for various type of
22 mobile food vendor-related uses and clarify the extent of regulations therefor;

23 **WHEREAS**, prior to adoption of this Ordinance, the City Council conducted
24 a properly-advertised public hearing in accordance with the provisions of the
25 Georgia Zoning Procedures Act; and

26 **WHEREAS**, the City Council finds this Ordinance to be in the best interests
27 of the health, safety, and general welfare of the City.

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29 **THE COUNCIL OF THE CITY OF SOUTH FULTON HEREBY ORDAINS** as
30 follows:

31
32 **Section 1:** Appendix B ("Zoning Resolution") of the Code of the City of South
33 Fulton is hereby amended by revising Article III ("Definitions"), Section 3.3.3 ("C")
34 to add the definition of "canteen truck" to read as follows:

35
36 **Sec. 3.3.3. C**

37

38 *Canteen Trucks.* Vehicles that operate to provide food services to
39 employees at a location where access to other food service is impractical
40 (e.g., a construction site); from which the operator vends fruits, vegetables,
41 pre-cooked foods such as hot dogs, pre-packaged foods, and pre-packaged
42 drinks that require no preparation or assembly of foods or beverages except
43 for the heating of pre-cooked foods; which operate at a single location for a

period not longer than 1.5 hours; and which do not advertise in any form to the general public except by virtue of signage on the vehicle. Canteen Trucks that operate other than as defined herein are Food Trucks and must comply with all Food Truck regulations.

Section 2: Appendix B ("Zoning Resolution") of the Code of the City of South Fulton is hereby further amended by revising Article III ("Definitions"), Section 3.3.6 ("F") to amend the definition of "food truck" and add a definition of "food truck festival" to read as follows:

Sec. 3.3.6. F

....

Food Truck. A Food Truck is a mobile kitchen, mobile canteen or catering truck which serves as a mobile venue that transports, assembles and sells food and beverages (non-alcoholic). Food trucks include ice cream trucks, pushcarts, and or canteen trucks. It is a mobile, fully self-contained unit with valid State of Georgia registration that utilizes no outside cooking area. Mobile food vendors which stop for less than or equal to 30 minutes at a single location shall not be considered Food Trucks. A food truck associated with a special event may remain at one location for the duration of the event.

....

Food Truck Festival. Coordinated and advertised gathering of more than four (4) Food Trucks in one location on a date certain with the intent to serve the public.

....

Section 3: Appendix B ("Zoning Resolution") of the Code of the City of South Fulton is hereby further amended by revising Article III ("Definitions"), Section 3.3.9 ("I") to add the definition of "ice cream truck" to read as follows:

Sec. 3.3.9. I

Ice cream truck. A motor vehicle engaged in the curbside vending or sale of frozen refrigerated desserts, confections or novelties commonly known as ice cream, prepackaged candies, prepackaged snack foods, or soft drinks, primarily intended for sale to children under 12 years of age.

....

Section 4: Appendix B ("Zoning Resolution") of the Code of the City of South Fulton is hereby further amended by revising Article III ("Definitions"), Section 3.3.13 ("M") to add the definition of "mobile food service unit" to read as follows:

90 **Sec. 3.3.13. M**

91

92 *Mobile Food Service Unit.* A pushcart, vehicle vendor or any other similar
93 conveyance operating as an extension of and under the managerial
94 authority of the permit holder of its permitted base of operation. The mobile
95 food service unit and its permitted base of operation together make a mobile
96 food service establishment.

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100 **Section 4:** Appendix B ("Zoning Resolution") of the Code of the City of South
101 Fulton is hereby further amended by revising Article III ("Definitions"), Section 3.3.16
102 ("P") to add the definition of "pushcart" to read as follows:

103 **Sec. 3.3.16. P**

104

105
106 *Pushcart.* A human propelled, self-contained, enclosed food service cart
107 that operates at pre-determined locations as approved by the Health
108 Authority and the City of South Fulton. Pushcarts shall be no larger than
109 5x10 feet.

110
111
112 **Section 5:** Appendix B ("Zoning Resolution") of the Code of the City of South
113 Fulton is hereby further amended by revising Article III ("Definitions"), Section
114 19.3.3(1) ("Food Truck") to read as follows:

115 **Sec. 19.3. Minimum Administrative Permit Standards.**

116

117
118 19.3.3(1). *Food Truck.* As applicable, Food Trucks are subject to the
119 requirements of the Board of Health and/or City.

120 A. Permitted Districts: R-1, R-2, R-3, R-4, R-5, O-I, MIX, C-1,
121 C-2, M-1A, M-1, M-2.

122 B. Standards:

123 1. Food Trucks shall not conduct business or operate
124 under this Article in the public right-of-way.

125 2. The allowable dimensions of a Food Truck (including
126 all attachments, except hinged canopies that open to
127 reveal food serving areas) shall be up to 18.5 feet
128 long, 10.5 feet tall, and 8 feet wide.

129 3. The Food Truck use permit shall be valid for a period
130 of 1-year after issuance and applicable to the
131 approved site only.

132 4. The Food Truck use permit shall be limited to no more
133 than 4 days per week (Monday to Sunday) at the

approved site. Operation hours shall be 7:00 a.m to 8:30 p.m.

Hours of Sales. No person shall dispense any item, including food, from an ice cream truck on a street during the following hours: From 7:30 a.m. to 8:30 p.m. during the months of April through October and from 7:30 a.m. to 5:30 p.m. during the months of November through March.

5. Food Trucks shall not operate on any private property without the prior consent of the property owner(s). The applicant shall provide a notarized written permission statement of the property owner(s) as they appear on the current tax records of Fulton County as retrieved by the County's Geographic Information System (GIS). If the current ownership has recently changed and does not match the GIS record the applicant may provide a copy of the new deed as proof of ownership. A 24-hour contact number of the property owner(s) shall be provided along with permit application.
6. All Food Trucks shall be located a minimum of 200 feet from any eating establishment and 100 feet from any retail store that sell food unless both the property owner(s) (as they appear on the current tax records of Fulton County as retrieved by the County's Geographic Information System (GIS) or if the current ownership has recently changed and does not match the GIS record the applicant may provide a copy of the new deed as proof of ownership) and lease holder(s) of said eating establishment/retail store grant written notarized permission for the Food Truck to be located closer than this minimum setback.
7. Food Truck vendors shall not be located within 25 feet of any right-of-way, entryway, curb-cut or driveway.
8. Food Trucks shall provide a minimum of 6 parking spaces adjacent to the vending area for the exclusive use of the Food Truck and shall not occupy the minimum required parking spaces for any other use on site.
9. Food Trucks shall be required to park on all-weather surfaces.
10. After hours parking of the Food Truck shall comply with Article 18.3, acceptable locations for off street parking, of the City of South Fulton Zoning Resolution.

11. Two copies of a drawing, no larger in size than 11" x 17", with dimensions (distances in feet) of the Food Truck's location from the site's property lines and other minimum distance requirements as specified by this Article shall be submitted to the Department of Planning for approval. Said drawing shall also depict north arrow, parking area, table/chair/canopy areas as applicable, curb-cuts and traffic patterns.
12. Food Trucks shall not emit sounds, outcry, speaker, amplifier or announcements while traveling on the public right-of-way or when stationary.
13. Food Trucks shall maintain all City, Fulton County, State of Georgia, and Federal licenses and shall follow all laws of the State and the Fulton County Board of Health, or any other applicable laws.
14. The permit under which a Food Truck is operating shall be firmly attached and visible on the Food Truck at all times.
15. Any condition of zoning or provision of the City of South Fulton Zoning Resolution that prohibits a Food Truck use on a property shall supersede this Article.
16. Food Trucks and any accessory items shall not be left unattended or stored for any period of time on the permitted site when vending is not taking place or during restricted hours of operation.
17. Food Trucks are responsible for the proper disposal of waste and trash associated with the operation. Food Trucks shall remove all generated waste and trash from their approved location at the end of each day or as needed to maintain the public health and safety. No liquid waste or grease is to be disposed of in tree pits, storm drains or onto the sidewalks, streets or other public or private space.
18. Food Trucks must have an adequate supply of fresh water (through the means of an on-truck fresh water tank) to maintain the operation of the food service in a safe and sanitary manner.
19. Food Trucks must encompass all mobile food service units with the exception of pushcarts.
20. A copy of the approved permit and inspection certificate for the base of operation issued by the Fulton County Public Health Department, Georgia Department of Agriculture, and Federal licenses shall be submitted with the business license application. The

owner shall follow all laws of the State and County Health Departments, or any other applicable laws.

21. The applicant shall submit the corporate and, where applicable, trade name of the base of operations associated with the mobile food service unit, together with a copy of the base of operation's City of South Fulton Tax Certificate. Where the base of operation is located outside the City limits, the applicant shall provide evidence of licensing in the base of operation's home jurisdiction.
22. Information identifying the mobile service unit including, its make, model and license plate number, together with a photograph of the mobile food service unit shall also be submitted.
23. Sales near Schools. No person shall dispense any item, at any time, including food, from an ice cream truck parked or stopped within 500 feet of the property line of a school between 7:30 a.m. and 4:00 p.m. on regular school days.
24. Location: Food Trucks may be located in non-residential districts and/or in conjunction with an institutional use, such as a place of worship or a school. Other residential uses, except for R-6, TR, and Apartment Districts, require special event permits.

Section 2. It is hereby declared to be the intention of the City Council that: (a) All sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their enactment, believed by the City Council to be fully valid, enforceable and constitutional.

(b) To the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. No section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Resolution.

(c) In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the City Council that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance.

Section 3. All Ordinance and Resolutions in conflict herewith are hereby expressly repealed.

Section 4. The City Attorney, City Clerk and contracted City Codifier are authorized to make non-substantive formatting and renumbering edits to this ordinance for proofing, codification, and supplementation purposes. The final version of all ordinances shall be filed with the clerk.

Section 5. The effective date of this Ordinance shall be on the date as set forth under Sec. 3.21 of the City Charter unless provided otherwise by applicable local, state and/or federal law.

The foregoing Ordinance No. 2019-035 was moved for approval by Councilmember Gumbs. The motion was seconded by Councilmember Rowell, and being put to a vote, the result was as follows:

	AYE	NAY
William "Bill" Edwards, Mayor	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mark Baker, Mayor Pro Tem	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Catherine Foster Rowell	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Carmalitha Lizandra Gumbs	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Helen Zenobia Willis	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Gertrude Naeema Gilyard	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Rosie Jackson	<input checked="" type="checkbox"/>	<input type="checkbox"/>
khalid kamau	<input checked="" type="checkbox"/>	<input type="checkbox"/>

THIS ORDINANCE so adopted this 10th day of December 2019.

CITY OF SOUTH FULTON, GEORGIA


WILLIAM "BILL" EDWARDS, MAYOR

ATTEST:


COREY E. ADAMS, SR., DEPUTY CITY CLERK

APPROVED AS TO FORM:


EMILIA C. WALKER, CITY ATTORNEY

